

HOUSE BILL REPORT

HB 2711

As Reported by House Committee On:
Public Safety & Emergency Preparedness

Title: An act relating to prohibiting certain convicted felons from possessing body armor.

Brief Description: Prohibiting certain convicted felons from possessing body armor.

Sponsors: Representatives Roach, Hurst, Loomis and Kelley.

Brief History:

Committee Activity:

Public Safety & Emergency Preparedness: 1/21/08, 1/23/08 [DP].

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• Creates the crime of unlawful possession of body armor as an unranked class C felony offense.

HOUSE COMMITTEE ON PUBLIC SAFETY & EMERGENCY PREPAREDNESS

Majority Report: Do pass. Signed by 7 members: Representatives O'Brien, Chair; Hurst, Vice Chair; Pearson, Ranking Minority Member; Ross, Assistant Ranking Minority Member; Ahern, Goodman and Kirby.

Staff: Yvonne Walker (786-7841).

Background:

Body armor, sometimes called a bullet-proof vest, is generally a bullet resistant metal or other material worn by persons such as law enforcement officers and military personnel to provide protection from weapons or bodily injury. Washington law does not prohibit the possession of body armor.

Summary of Bill:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

A person who is knowingly in possession of body armor and has been convicted of a violent offense is guilty of unlawful possession of body armor. The crime of unlawful possession of body armor is an unranked class C felony offense. The maximum penalty for an unranked felony offense is 12 months of imprisonment in jail. The sentence may also include community service, legal financial obligations, a term of community supervision, and a fine.

It is an affirmative defense, which a defendant has the burden to prove by a preponderance of the evidence, that:

- a peace officer, acting in the officer's official capacity, provided the body armor to the person for his or her protection while the person was being transported or accompanied by the officer;
- a protective or restraining order has been entered for the benefit of the person and the possession of body armor did not take place while the person was committing or attempting to commit any crime; or
- the violent offense was committed at least 15 years prior to the alleged current violation of the unlawful possession of body armor offense and the person has not been convicted of any felonies during the 15 years. This affirmative defense is not available if the violent offense was murder in the first degree, murder in the second degree, homicide by abuse, manslaughter in the first degree, or manslaughter in the second degree.

Body armor is defined as any clothing or equipment designed to minimize the risk of injury or death from a deadly weapon.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony:

(In support) This bill is important. The very fact that an offender is wearing body armor during the commission of an offense indicates that possible violence might occur. Even in many bank robbery events, where some people may feel it is only a loss of money, many law enforcement officers and the public at large have been injured or put in harms way.

In California there was a violent armed robbery that occurred. As the gunmen exited the building they initiated a gun battle where they shot 12 police officers and eight civilians. Over 300 officers were called to the situation. The shootout continued for so long because the gunmen were wearing body armor from their neck down to their feet. This was a life or death situation for many law enforcement officers.

Today, offenders have firearms and body armor that far exceeds the quality than that of law enforcement and the military. The Legislature needs to act upon this bill before a violent

shootout crime occurs in Washington. Other states have this same law, so Washington would not be unique in creating this new crime.

(Opposed) None.

Persons Testifying: Representative Roach, prime sponsor; Representative Hurst; and Daniel Conine, Seattle Police Department.

Persons Signed In To Testify But Not Testifying: None.